

HOUSE BILL 840

By DeBerry

AN ACT to amend Tennessee Code Annotated, Section 36-1-113; Section 37-1-120; Section 37-1-129 and Section 37-1-183, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(j), is amended by deleting the subsection and substituting instead the following:

(j) In the hearing on the petition, the circuit, chancery, or juvenile court shall admit evidence, pursuant to the Tennessee Rules of Evidence, and shall recognize the exemptions to privileges as provided pursuant to §§ 37-1-411 and 37-1-614.

SECTION 2. Tennessee Code Annotated, Section 37-1-120, is amended by deleting the section and substituting instead the following:

(a) All petitions shall be verified and may be on information and belief.

(b) Petitions that allege a delinquent or unruly offense; educational neglect when filed on behalf of a school; child abuse prosecutions, pursuant to §§ 37-1-412 and 39-15-401; nonsupport of children, pursuant to title 39, chapter 15, part 1; contributing to the delinquency or unruly behavior of a child, pursuant to § 37-1-156; contributing to the dependency and neglect of a child, pursuant to § 37-1-157; offenses involving adults arising under title 49, chapter 6, part 30; criminal contempt, pursuant to § 29-9-102; and civil contempt, pursuant to §§ 29-9-104 and 29-9-105 shall set forth plainly and to the extent reasonably ascertainable:

(1) The facts that bring the child or person within the jurisdiction of the court, including the approximate date, manner, and place of the acts alleged, with

a statement that it is in the best interest of the child and the public that the proceeding be brought;

(2) If the petition alleges delinquency or unruly conduct, the offense charged, the relevant statutes, and a statement that the child is in need of treatment or rehabilitation;

(3) The name, age, and residence address, if any, of the child on whose behalf the petition is brought;

(4) The names and residence addresses, if known to petitioner, of the legal parents, guardian, or custodian of the child;

(5) The names and residence addresses, if known to the petitioner, of any person or persons, other than the legal father, alleged to be the biological father of the child whose parental rights have not been terminated;

(6) If the child is in detention, the place of detention, and the time the child was taken into custody; and

(7) If any other court has jurisdiction over the child and the name of the court, if known to the petitioner.

(c) All other petitions shall set forth plainly and to the extent reasonably ascertainable:

(1) The facts that bring the child within the jurisdiction of the court, including the approximate date, manner, and place of the acts alleged, with a statement that it is in the best interest of the child and the public that the proceeding be brought;

(2) The name, age, and residence address, if any, of the child on whose behalf the petition is brought and the places where the child has lived for the last five (5) years, and the names and present addresses of the persons with whom the child has lived during that period;

(3) The names and residence addresses, if known to petitioner, of the legal parents, guardian, or custodian of the child and of the child's spouse, or of

any person who has physical custody of the child or claims rights of legal or physical custody of, or visitation with the child;

(4) The names and residence addresses, if known to the petitioner, of any person or persons, other than the legal father, alleged to be the biological father of the child whose parental rights have not been terminated;

(5) The court, case number, and nature of any proceeding, if known to the petitioner, that could affect the current proceeding including proceedings for custody, visitation, enforcement, domestic violence, protective orders, termination of parental rights, or adoption;

(6) A statement whether the petitioner has participated as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, a statement that identifies the court, the case number, and the date of the child custody determination, if any;

(7) A statement whether or not the parents are currently serving in the armed forces; and

(8) A statement whether the child or child's parent is a member or eligible for membership in any recognized Indian tribe under the federal Indian Child Welfare Act, compiled in 25 U.S.C. § 1901.

(d) If the petitioner, counter-petitioner, or child is a victim of abuse or has been placed at risk of abuse by any of the parties to the proceeding, the petitioner may exclude the address of the petitioner or the child from the petition and file that information with the clerk in a separate document, which the clerk shall place under seal.

SECTION 3. Tennessee Code Annotated, Section 37-1-129(b)(2), is amended by deleting the citation "§ 37-1-102(b)(12)(G)" and substituting instead the citation "§ 37-1-102(b)(13)(G)".

SECTION 4. Tennessee Code Annotated, Section 37-1-183, is amended by deleting the citation "§ 37-1-102(b)(12)(J)" and substituting instead the citation "§ 37-1-102(b)(13)(J)".

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.